

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA

UNITED STATES OF AMERICA)	
)	No. 1:06-cr-30-002
vs.)	
)	JUDGE EDGAR
J. CARMEN IBARRA-OROZCO)	MAGISTRATE JUDGE LEE

ORDER

Magistrate Judge Susan K. Lee filed a report and recommendation recommending the Court: (1) grant Defendant's motion to withdraw his not guilty plea to Counts One and Three; (2) accept Defendant's plea of guilty to Counts One and Three of the Indictment; (3) adjudicate Defendant guilty of the charges set forth in Counts One and Three of the Indictment; (4) defer a decision on whether to accept the plea agreement until sentencing; and (5) find Defendant shall remain in custody until sentencing in this matter [Doc. No. 77]. Neither party filed a timely objection to the report and recommendation. After reviewing the record, the Court agrees with the magistrate judge's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation [Doc. No. 77] pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

(1) Defendant's motion to withdraw his not guilty plea to Counts One and Three is **GRANTED**;

(2) Defendant's plea of guilty to Counts One and Three of the Indictment is **ACCEPTED**;

(3) Defendant is hereby **ADJUDGED** guilty of the charges set forth in Counts One and Three of the Indictment;

(4) A decision on whether to accept the plea agreement is **DEFERRED** until sentencing; and

(5) Defendant **SHALL REMAIN** in custody until sentencing in this matter which is scheduled to take place on **Tuesday, April 10, 2007 at 9:30 a.m.**

SO ORDERED.

ENTER this the 21st day of February, 2007.

/s/ R. Allan Edgar
R. ALLAN EDGAR
UNITED STATES DISTRICT JUDGE